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## NOTICE OF ALLOWANCE AND FEE(S) DUE

24201 7590 12/31/2008

FULWIDER PATTON LLP  
HOWARD HUGHES CENTER  
6060 CENTER DRIVE, TENTH FLOOR  
LOS ANGELES, CA 90045

EXAMINER

FRISBY, KESHA

ART UNIT

PAPER NUMBER

3715

DATE MAILED: 12/31/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,909	02/20/2004	Michael McDonald	DNCEH-66401	7143

TITLE OF INVENTION: SYSTEM FOR, AND METHOD OF, PROVIDING SPECIALIZED DANCE VIDEOS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	03/31/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE** OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issued on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to:** **Mail** **Mail Stop ISSUE FEE**  
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**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**or Fax** **(571)-273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

24201 7590 12/31/2008

**FULWIDER PATTON LLP**  
**HOWARD HUGHES CENTER**  
**6060 CENTER DRIVE, TENTH FLOOR**  
**LOS ANGELES, CA 90045**

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,909	02/20/2004	Michael McDonald	DNCEH-66401	7143

**TITLE OF INVENTION: SYSTEM FOR, AND METHOD OF, PROVIDING SPECIALIZED DANCE VIDEOS**

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	03/31/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
FRISBY, KESHA	3715	434-256000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_  
 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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10/783,909	02/20/2004	Michael McDonald	DNCEH-66401	7143
24201	7590	12/31/2008	EXAMINER	
FULWIDER PATTON LLP HOWARD HUGHES CENTER 6060 CENTER DRIVE, TENTH FLOOR LOS ANGELES, CA 90045			FRISBY, KESHA	
			ART UNIT	PAPER NUMBER
			3715	
DATE MAILED: 12/31/2008				

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 764 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 764 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability****Application No.**

10/783,909

**Examiner**

KESHA FRISBY

**Applicant(s)**

MCDONALD ET AL.

**Art Unit**

3715

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/1/2008.
2. ☒ The allowed claim(s) is/are 3,16,18,22 and 23.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

/XUAN M. THAI/  
Supervisory Patent Examiner, Art Unit 3715

### EXAMINER'S AMENDMENT

#### Amendment after Final

**The amendment after final filed on 12/1/2008 has been entered by the examiner.**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Fitzgerald Reg. No. 38881 on 12/11/2008.

The application has been amended as follows:

Title: ~~System for, and method of,~~ Method of providing specialized dance videos

Claim 3: A method of creating a video dance routine, including ~~the~~ steps of:

providing a dance routine with music, involving at least one dancer,

physically restraining ~~the~~ a positioning of the at least one dancer's head with a fixture and helmet worn by said dancer so that the at least one dancer's head remains substantially in a fixed position during the performance of the dance routine, wherein said fixture includes a pair of spaced stanchions for supporting a crossbar and a support which extends from the ~~cross-bar~~ crossbar on which said helmet is attached,

providing a video of the dance routine, with the music, showing ~~the~~ a dancer's body but not the dancer's head, and ~~the~~ movement of the dancer's body in synchronism with the music,

~~disposing the head of at least one celebrant~~ at least one celebrant's head in an opening in a foreground enclosure and limiting the movements of the at least one celebrant's head in lateral, longitudinal and vertical directions,

~~recording the a~~ video appearance of the at least one celebrant's head in the opening during ~~the~~ playing of the music to the at least one celebrant, and

replacing the at least one celebrant's head in place of the at least one dancer's head at the ~~position~~ positioning of the at least one dancer's head in the video of the dance routine to provide a video constituting a composite of the dancer's body and the at least one celebrant's head.

Claim 16: A method of creating a dance routine, including ~~the~~ steps of:

restraining only a dancer's head with a fixture and helmet worn by the dancer to a substantially unitary lateral position while the dancer is performing a dance routine in synchronism with music, wherein said fixture includes a pair of spaced stanchions for supporting a crossbar and a support which extends from the crossbar on which said helmet is attached.

providing a video and a synchronized audio recording on a medium capable of being duplicated, the ~~visual image~~ video and the synchronized audio recording being of said dancer providing a dance routine with the dancer's head in ~~a-substantially the substantially unitary~~ lateral disposition ~~with a fixture and helmet worn by a dancer,~~ wherein said fixture includes a pair of spaced stanchions for supporting a crossbar and a support which extends from the crossbar on which said helmet is attached,

removing the dancer's head from the video,

substituting a celebrant's head on the dancer's body after removing the dancer's head from the dancer's body in the video,

processing the substantially stationary lateral disposition and appearance of the celebrant's head on the dancer's body to assure that the celebrant's head is disposed on the dancer's neck, including limiting ~~the~~ lateral, longitudinal and vertical movements of the celebrant's head on the dancer's body during ~~the~~ performance of the dance routine by the dancer's body, ~~and~~

~~restraining only the dancer's head to a substantially unitary lateral position while the dancer is performing the dance routine in synchronism with the music.~~

Claim 18: A method of creating a dance routine, including ~~the~~ steps of:

providing a visual image and a synchronized audio recording on a medium capable of being duplicated, the visual image and the synchronized audio recording being of a dancer ~~proving~~ providing a dance routine with the dancer's head held in a substantially stationary lateral disposition with a fixture and a helmet worn by the dancer, wherein said fixture includes a pair of spaced stanchions for supporting a crossbar and a support which extends from the crossbar on which said helmet is attached,

removing the dancer's head from the visual image,

substituting a celebrant's head on the dancer's body after removing the dancer's head from the dancer's body in the visual image,

substituting a celebrant's head on the dancer's body after removing the dancer's head from the dancer's body in the visual image,

processing the substantially stationary lateral disposition and appearance of the celebrant's head on the dancer's neck, including limiting ~~the~~ lateral, longitudinal and vertical movements of the celebrant's head on the dancer's body during ~~the~~ performance of ~~the~~ a dance routine by the dancer's body,

providing the image of the celebrant in a foreground of a particular color so that only the celebrant's head is visible in the foreground of the particular color, and

eliminating the foreground of the particular color from the image of the celebrant's head before the image of the celebrant's head is transferred to the dancer's body in replacement of the dancer's head.

Claim 23: A method as set forth in claim 22, including the steps of:

employing digitizing techniques to adjust for changes in the lateral position of the dancer's body, thereby to align the dancer's neck laterally with the celebrant's head,

enlarging the celebrant's head relative to ~~the~~ a dancer's head in the video image to insure that the celebrant's head is disposed laterally on the dancer's neck regardless of a displacement of the dancer's body laterally from a stable position, and

providing an individualized background after the ~~removal~~ eliminating of the background of the particular color.

#### **Reasons for Allowance**

2. The following is an examiner's statement of reasons for allowance: None of cited patents or publications used singly or in combination teach a fixture and helmet worn by a dancer, wherein the fixture includes a pair of spaced stanchions for supporting a



crossbar and a support which extends from the crossbar on which said helmet is attached.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KESHA FRISBY whose telephone number is (571)272-8774. The examiner can normally be reached on Monday-Friday 8am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/XUAN M. THAI/  
Supervisory Patent Examiner, Art Unit 3715

/K. F./  
Examiner, Art Unit 3715